

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

ASSURED PARTNERS OF WASHINGTON
LLC,

Plaintiff,

v.

MARK ACARREGUI, ALLIANT
INSURANCE SERVICES INC., and JO-ANN
PABALATE

Defendants.

NO. 2:20-cv-00290 BJR

**STIPULATED MOTION AND
SECOND AMENDED ORDER
REGARDING EXPEDITED
DISCOVERY AND PRELIMINARY
INJUNCTION BRIEFING, AND
ORDER REGARDING RESPONSES
TO AMENDED COMPLAINT AND
INITIAL DISCLOSURES**

Plaintiff AssuredPartners of Washington LLC (“Assured”), Defendant Mark Acarregui (“Acarregui”), Defendant Alliant Insurance Services Inc. (“Alliant”), and Defendant Jo-Ann Pabalate (“Pabalate”), having come to certain agreements among them in light of Plaintiff’s filing of an Amended Complaint for Injunctive and Other Relief (Dkt. No. 41), which asserts new allegations and adds Defendant Jo-Ann Pabalate, jointly request that this Court enter an order as follows:

- (1) Expedited discovery and briefing related to Assured’s motion for a preliminary injunction shall proceed according to the amended schedule set forth in Exhibit A.

- (2) The temporary restraining orders with respect to Acarregui (Dkt. No. 15) and Pabalate (Dkt. No. 45) shall continue in full force and effect until the Court rules on Assured's motion for a preliminary injunction, if such a motion is filed according to the briefing schedule set forth in Exhibit A. If no motion is filed according to that briefing schedule, the temporary restraining orders shall immediately dissolve unless further agreement is made by the parties or the temporary restraining order is continued by the Court for good cause.
- (3) Defendants' respective responses to the Amended Complaint for Injunctive and Other Relief (Dkt. No. 41) are to be filed on or before May 7, 2020.
- (4) The Court's Order Regarding Initial Disclosures and Joint Status Report (Dkt No. 30) is modified as follows: FRCP 26f Conference Deadline is May 11, 2020; Initial Disclosure Deadline is May 18, 2020; Joint Status Report is due by May 25, 2020.

EXHIBIT A

Second Amended Schedule for Expedited Discovery & Preliminary Injunction Briefing [Prior Deadlines Noted Where Applicable]

Prior Deadline	New Deadline	Event
	On or before 7 p.m. PST on April 23, 2020	Service of supplemental written discovery requests. There shall be no more than six (6) supplemental requests for production and four (4) supplemental interrogatories per side. Supplemental written discovery shall relate to the allegations newly asserted in Plaintiff's Amended Complaint for Injunctive and Other Relief with respect to Pabalate ("Pabalate Allegations") and should be narrowly tailored to minimize potential objections and to make responses and productions on an expedited basis feasible.
	On or before 7 p.m. PST on April 24, 2020	Service of additional deposition notices. In addition to the depositions previously noticed by the parties, Assured shall be permitted to notice the depositions of

Prior Deadline	New Deadline	Event
		Jo-Ann Pabalate and a Rule 30(b)(6) deposition of Alliant with respect to the Pabalate Allegations. Alliant shall also be permitted to amend its Rule 30(b)(6) deposition notice of Assured to include topics relating to the Pabalate Allegations. Written objections to topics of the Rule 30(b)(6) deposition shall be served within two business days of service of the deposition notice, and the parties shall meet and confer regarding the objections within one business day of service of the objections. The parties shall meet and confer in good faith to agree on a comprehensive deposition schedule prior to the commencement of depositions.
	On or before 7 p.m. PST on April 30, 2020	Responses to supplemental interrogatories and supplemental requests for production. The parties shall meet and confer about any objection to an interrogatory or document request within two days of service of any objection.
	On or before 7 p.m. PST on May 2, 2020	Supplemental document productions. The parties shall produce all documents that are responsive to a supplemental request for production, and which are not subject to an objection, by this date.
May 1, 2020	May 12, 2020	Time to complete depositions. Each deposition shall be limited to four hours of testimony each (without prejudice to a party's ability to complete any deposition after Plaintiff's application for a preliminary injunction, if any, is adjudicated). The parties may conduct the depositions by a mutually-acceptable web-based interface for remote depositions (e.g., TSG Reporting's LiveLitigation software).
May 8, 2020	May 19, 2020	Plaintiff's deadline to file a motion for a preliminary injunction. Plaintiff shall file and serve its preliminary injunction papers by this date.

Prior Deadline	New Deadline	Event
May 22, 2020	June 2, 2020	Defendants to oppose motion for a preliminary injunction. Defendants shall file and serve their opposition papers, if any, by this date.
May 29, 2020	June 9, 2020	Plaintiff's deadline to reply. Plaintiff shall file and serve any reply papers by this date.
June 1, 2020	June 12, 2020	Date of Hearing. Plaintiff shall note its motion for preliminary injunction for hearing on this date. The parties may appear by telephone for oral argument regarding Plaintiff's motion for preliminary injunction.

DATED this 21st day of April, 2020.

SEYFARTH SHAW LLP

BYRNES KELLER CROMWELL LLP

By /s/ Helen M. McFarland
Helen M. McFarland, WSBA #51012
800 Fifth Avenue, Suite 4100
Seattle, WA 98104
Phone: (206) 946-4910
Fax: (206) 260-8839
hmcfarland@seyfarth.com

By /s/ Keith D. Petrak
Keith D. Petrak, WSBA #19159

By /s/ Jacob A. Zuniga
Jacob A. Zuniga, WSBA #48458
1000 Second Avenue, 38th Floor
Seattle, WA 98104
Phone: (206) 622-2000
Fax: (206) 622-2522
Email: kpetrak@byrneskeller.com
jzuniga@byrneskeller.com

By /s/ J. Scott Humphrey
By /s/ Besma Fakhri
J. Scott Humphrey (admitted *pro hac vice*)
Besma Fakhri (admitted *pro hac vice*)
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448
Phone: (312) 460-5000
Fax: (312) 460-7000
shumphrey@seyfarth.com
bfkakhri@seyfarth.com
Attorneys for Plaintiff

Debra L. Fischer (admitted *pro hac vice*)
Seth M. Gerber (admitted *pro hac vice*)
Adam E. Wagmeister (admitted *pro hac vice*)
Morgan Lewis & Bockius LLP
2049 Century Park East, Suite 700
Los Angeles, CA 90067-3109
Phone: (310) 907-1000
Debra.fischer@morganlewis.com
Seth.gerber@morganlewis.com
Adam.wagmeister@morganlewis.com
**Attorneys for Defendants Mark Acarregui
and Alliant Insurance Services, Inc.**

PREG, O'DONNELL & GILLETT PLLC

By /s/ Eric Peter Gillett
Eric Peter Gillett, WSBA # 23691
Preg, O'Donnell & Gillett, PLLC
901 Fifth Avenue, Suite 3400
Seattle, WA 98164
Phone: (206) 287-1775
Fax: (206) 287-9113
egillett@pregodonnell.com
**Attorneys for Defendant
Jo-Ann Pabalate**

PURSUANT TO STIPULATION, IT IS SO

ORDERED. DATED this 23rd day of April 2020.



HONORABLE BARBARA J. ROTHSTEIN
UNITED STATES DISTRICT COURT JUDGE

STIPULATED MOTION AND SECOND AMENDED
ORDER REGARDING EXPEDITED DISCOVERY
AND PRELIMINARY INJUNCTION HEARING - 5
(CASE NO. 2:20-CV-00290-BJR)

SEYFARTH SHAW LLP
Attorneys at Law
800 Fifth Avenue
Suite 4100
Seattle, WA 98104
(206) 946-4910